

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JAMES L. SNODGRASS,

Petitioner,

3:07-CV-06254-AC

ORDER

v.

ROBERT LAMPERT,

Respondent.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#50) on November 22, 2011, in which he recommended the Court deny Petitioner James L. Snodgrass's Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, dismiss this matter, and deny a certificate of appealability. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court

pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In his Objections, Petitioner reiterates the arguments contained in his Petition for Writ of Habeas Corpus and Brief in Support of the Petition for Writ of Habeas Corpus. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#50). Accordingly, the Court **DENIES** the Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254,

DISMISSES this matter, and **DENIES** a certificate of appealability.

IT IS SO ORDERED.

DATED this 21st day of February, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge